



**CITY COUNCIL WORK SESSION**  
**Public Safety Building—Training Room, 825 41st Ave NE**  
**Monday, February 01, 2021**  
**7:00 PM**

**Mayor**  
*Amáda Márquez Simula*  
**Councilmembers**  
*John Murzyn, Jr.*  
*Connie Buesgens*  
*Nick Novitsky*  
*Kt Jacobs*  
**City Manager**  
*Kelli Bourgeois*

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**MINUTES**

Due to COVID-19 pandemic, this hybrid meeting was held both virtually and in-person.

**CALL TO ORDER**

Mayor Márquez Simula called the Work Session to order at 7:00 pm.

Present: Mayor Márquez Simula, Councilmembers Buesgens, Jacobs, Murzyn, Jr., and Novitsky

Also Present: Lenny Austin, Police Chief; Kelli Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Mitch Forney, Community Development Coordinator; Jim Hauth Utilities Superintendent; Matt Markham, Police Captain; Dan O'Brien, Assistant Fire Chief; Kristin Peterson, Fire Administrative Assistant; Ben Sandell, Communications Coordinator; Charlie Thompson, Fire Chief; Nicole Tingley, City Clerk

**WORK SESSION ITEMS**

**1. Review and Comparison of Liquor License Ordinance and Seating/Square footage Requirements**

Community Development Director Chirpich stated that Jimmy's Pro Billiards and the owner of the vacant storefront south of Jimmy's (4028/4030 Central Avenue) have requested amendments to the current liquor license requirements. Their request is in regards to the current square footage and seating requirements. Chirpich explained the City's current square footage and seating requirements and background information on these requirements. He provided comparisons to other cities.

Community Development Coordinator Forney explained that Jimmy's Pro Billiards would like to have square footage requirements reduced for the dining area so he does not have to remove pool tables to meet the requirement. He clarified that Jimmy's is not seeking to reduce the amount of seating, but rather have tables outside of the dining area.

Next, Forney stated that 4028/4030 Central Avenue used to be an adult daycare that shutdown due to COVID. He explained that the owner of 4028/4030 Central Avenue would like to utilize the existing commercial kitchen to change the space into a banquet hall/pop-up restaurant (a Soirée). It would act as a small event center. Forney explained the owner requested a reduction to 2,000 square feet and 50 seats to accommodate the business.

Forney asked the City Council for their feedback on making amendments.

Mayor Márquez Simula stated she was in favor of looking into making changes.

Councilmember Buesgens stated that the limits should be removed as they seem arbitrary.

Councilmember Jacobs stated that she did not have any issues with having tables throughout the room, but had concerns developing ordinance changes to meet the Soirée's needs without a plan in place. She added she is in favor of their concept and would be in favor of ordinance changes if it applies to all businesses across the board.

City Manager Bourgeois clarified that an ordinance change would apply to all businesses in the same classification and stated that the City Council should consider how a change would affect the city and properties as a whole.

Chirpich clarified that City staff is not seeking concrete parameters from the City Council at this work session, but rather would like to know if staff should research more and come back with additional information. This would include to analyze how this would affect each current wine and beer license holder.

Councilmember Novitsky commented that he would like to look into the changes and also consider any concerns that public safety may have.

The City Council provided direction for Community Development staff to come back to the City Council with more information and changes for consideration.

## **2. Water Main Clean & Line / Replacement and Sanitary Sewer 3-Year Programs**

Utilities Superintendent Hauth provided background information on the City's annual water main cleaning and lining program. Since 2005, the City has partnered with Minneapolis under their program, but their program was eliminated by budget cuts.

Hauth showed the City Council on a map where City Staff proposes completing water main replacement in 2021 and 2022. Hauth stated that the water main replacement would be in conjunction with planned street projects and explained why replacement is recommended instead of lining. Hauth added that there is not any watermain work proposed for 2023 due to the expenses proposed to be incurred in 2021 and 2022. Hauth explained the classifications of water main lining.

Councilmember Buesgens asked for the total amount of water main in need of replacement in the City. Hauth answered that there is approximately 39,000 feet of water main that is either at or has exceeded its useful life. He noted that more analysis through C-Factor testing would be needed to determine the condition and type of repair (if any) necessary. He clarified that the completing the testing in the 39,000 feet of water main would be a long term commitment and take multiple years.

Councilmember Buesgens asked what the average cost to replace water main is. Hauth replied that he would follow-up with an answer based on the City's most recent projects.

Next, Hauth provided an overview of the City's sanitary sewer lining program. He explained how sanitary sewer is lined and issues that can occur with sanitary sewer pipes including

inflow and infiltration. Hauth summarized the planned sanitary sewer lining projects for 2021, 2022, and 2023.

**3. Bola Wrap Restraint Device**

Police Chief Austin stated that he wanted to share with the City Council a new piece of non-lethal equipment that the department will be using once all officers are trained. He added that it is a few years old, but not widely used yet.

Captain Markham showed a video that included an explanation and demonstration of a bola wrap.

Councilmember Jacobs asked where the hooks go. Markham answered that they catch in closing and will dig in a little with resistance.

Councilmember Buesgens commented it was a great tool.

Captain Markham commented that he sees bola wraps being effective with drug overdose cases even more than tasers. He stated that there needs to be 15 feet so it will work outside, but not in a hallway. Additionally, Markham explained how the bola wrap sounds like a handgun which is important for the public to know and for officers to be trained on.

Mayor Márquez Simula commented that when a bola wrap is used that bystanders all know what is happening so using it does not escalate into a worse situation. Markham replied that the use of it will be communicated to the public in forms including the newsletter and social media. Additionally, they are going to make surrounding agencies aware that they are using bola wraps.

Councilmember Novitsky commented that it is a great tool.

**4. Board and Commission Ordinance Amendments, Application, and Recruitment Follow-Up**

City Clerk Tingley provided an overview of a draft ordinance making changes to the board and commission section of the City Code. These included the same term length for all boards and commissions and term limits. Additionally, included in the draft were consistencies among the boards and commissions and elimination of boards and commissions that are inactive and anticipated to remain inactive.

Tingley asked for City Council feedback on the attendance requirements included in the draft. The City Council discussed different options for attendance requirements. The first one discussed was a combination not allowing 3 missed consecutive meetings or 4 per year. It was determined that the numbers would have to vary for different boards and commissions as some meet more than others.

Next, requiring a certain percentage of meetings was discussed. Councilmember Novitsky suggested that no more than 2 consecutive meetings should be missed instead of using percentages because of confusion for staff and council. Mayor Márquez Simula agreed as it would be difficult to track. Councilmembers Jacobs disagreed. Councilmember Buesgens

stated she was concerned about having it be 2 consecutive meetings as a member could miss every other meeting. Jacobs shared the same concern as Buesgens. The City Council provided direction to have it state that members cannot miss more than any 2 meetings without a written request. The written request would allow for flexibility.

Tingley continued on by asking for feedback on the suggested change by the Mayor to the application to include a spot to fill in professional designations/awards/previous government service. The City Council agreed on the change. Additionally Tingley added that she was planning on making it clearer that the voter requirement question is only for Charter Commission as it is required by state statute.

Márquez Simula asked if there was going to be a Public Arts Commission. Tingley stated that it can be activated at any time. She explained how it was left in the code in the draft ordinance because she anticipated it would be one that may be brought back. Márquez Simula stated it would be great to reinstate it. Buesgens asked when the City Council would discuss revamping the Traffic Commission, adding a Sustainability Commission, and reinstating the Public Arts Commission. City Manager Bourgeois stated that it would be soon, but wanted it to be a separate discussion from the technical ordinance changes. Bourgeois shared background information on the Public Arts Commission.

The City Council discussed the Mayor's proposal to include language on the Board & Commission webpage regarding selecting candidates based on qualifications and also demographics. Buesgens commented that geographic location should not be included. Councilmember Novitsky shared concern stating that demographics should not play a role. Márquez Simula clarified that applicants would be chosen first based on qualification then demographics. Councilmember Jacobs agreed with Novitsky and added that she is concerned candidates not chosen will say it was because of their demographics. Jacobs suggested that it is changed to state that no one will be disqualified based on demographics similar to a job application. Councilmember Murzyn, Jr. agreed with changing the statement to show there is no discrimination based on demographics. City Manager Bourgeois suggested as an idea changing the statement to we encourage applicants of all demographics. She also noted that the City Attorney reviewed the language and was okay with it. The City Council agreed with the suggestion. Bourgeois stated she would draft something for the City Council to review.

Jacobs stated that she would like to have term limits for Charter Commission as well if the City has the ability to do so. Bourgeois reviewed applicable state statute and stated she believed the City would not be able to, but would check with the City Attorney.

Tingley asked for feedback a draft letter to send out to board and commission members whose terms expire at the end of March and would not be eligible for reappointment based on term limits. The City Council approved of the draft letter. Tingley also inquired if Park & Recreation Commissioner Bruce Evans should be allowed to serve another term since he has served more than six years, but not two full terms. The City Council provided direction to allow him to serve one more consecutive term.

**5. Nonprofit List**

City Manager Bourgeois stated that Councilmember Novitsky brought this item to her attention in response to Centennial Committee activities. She stated that it would be nice to have a list of all nonprofit organizations in the community on the City's website that would include information such as contact person and mission. She asked the City Council for their help on providing the information and sharing the request.

Councilmember Novitsky added that he has been asked by residents how to contact groups and that it would be helpful to have a single place with the information. It will also help the groups see how they can work together.

City Manager Bourgeois stated that information could be sent to Communications Coordinator Ben Sandell. Councilmember Buesgens asked if the request could be posted on the City's website. Communications Coordinator stated that he would create a post that the City Council could share.

**6. Mayor's Monarch Pledge and Land Acknowledgment**

Mayor Márquez Simula stated she requested this item to be on the agenda so she could provide an overview before it is on the agenda at the next City Council meeting. Márquez Simula stated that she is putting together a committee and that there will be a Zoom meeting on February 27<sup>th</sup> at 1 pm. She stated she is planning on having the proclamation on the agenda at the next City Council meeting.

Márquez Simula stated that Mary Kunesh-Podein and Laura Newton approached her about doing a land acknowledgment. She explained what a land acknowledgment is. She noted it would acknowledge was the indigenous people's land before the colonists and also acknowledging that indigenous people have continued to live in the City. She stated that she will be meeting with the school district's American Indian Parents Advisory Council to ask them about the idea. Additionally, she would work with the community to come up with the verbiage and determine how the Native American community can be involved beyond the land acknowledgment.

The City Council provided positive feedback on the land acknowledgment idea. Márquez Simula stated she would keep the City Council updated.

Councilmember Jacobs asked why the Mayor's Facebook event for the Monarch Pledge Committee was both under her as an individual and as a Mayor. Márquez Simula stated that she wanted to reach more people as not everyone has liked her Mayor Facebook page. Jacobs asked for the event to be posted on the City's website and social media.

**7. Closed Session – Civil Disturbance Plan**

Mayor Márquez Simula stated that this item would be a closed session pursuant to *Minnesota Statute §13D.05 Subd. 3(d)* to discuss to discuss emergency response procedures; of which, disclosure would pose a danger to public safety and compromise security procedures. The work session went into closed session at 9:15 pm.

Present: Mayor Márquez Simula, Councilmembers Buesgens, Jacobs, Murzyn, Jr., and Novitsky.

Also Present: Lenny Austin, Police Chief; Kelli Bourgeois, City Manager; Dan O'Brien, Assistant Fire Chief; Kristin Peterson, Fire Administrative Assistant; Ben Sandell, Communications Coordinator; Charlie Thompson, Fire Chief; Nicole Tingley, City Clerk.

The work session returned to open session at 9:57 pm.

**ADJOURNMENT**

Mayor Márquez Simula adjourned the work session at 9:57 pm.

Respectfully submitted,



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Nicole Tingley, City Clerk/Council Secretary